

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:19-cv-00290-EMC**

American Civil Liberties Union Foundation et al v. Department
of Justice et al
Assigned to: Judge Edward M. Chen
Cause: 05:552 Freedom of Information Act

Date Filed: 01/17/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**American Civil Liberties Union
Foundation**

represented by **Hugh Handeyside**
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004-2400
212-549-2500
Fax: 212-549-2583
Email: hhandeyside@aclu.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew Thomas Cagle
ACLU Foundation of Northern California
39 Drumm Street
San Francisco, CA 94111
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Fax: 415-255-1478
Email: mcagle@aclunc.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**American Civil Liberties Foundation of
Northern California**

represented by **Hugh Handeyside**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew Thomas Cagle
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department of Justice

represented by **Elizabeth Tulis**
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
202-514-9237
Fax: 202-616-8470
Email: elizabeth.tulis@usdoj.gov
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Amy Powell

U.S. Department of Justice
Civil Div, Federal Programs Branch
20 Massachusetts Ave NW
Washington, DC 20001
202-514-9836
Fax: 202-616-8202
Email: amy.powell@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

Federal Bureau of Investigation

represented by **Elizabeth Tulis**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amy Powell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Department of Homeland Security

represented by **Elizabeth Tulis**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amy Powell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

U.S. Customs and Border Protection

represented by **Elizabeth Tulis**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amy Powell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**U.S. Citizenship and Immigration
Services**

represented by **Elizabeth Tulis**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amy Powell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**U.S. Immigration and Customs
Enforcement**

represented by **Elizabeth Tulis**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amy Powell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Department of State

represented by

Elizabeth Tulis

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Amy Powell**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/17/2019	<u>1</u>	COMPLAINT for Injunctive Relief for Violation of the Freedom of Information Act against Department of Homeland Security, Department of Justice, Department of State, Federal Bureau of Investigation, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, (Filing Fee: \$400.00, receipt number 0971-13010965). Filed by American Civil Liberties Foundation of Northern California, American Civil Liberties Union Foundation. (Attachments: # <u>(1)</u> Civil Cover Sheet)(Cagle, Matthew) (Filed on 1/17/2019) Modified on 1/18/2019 (tnS, COURT STAFF). (Entered: 01/17/2019)
01/17/2019	<u>2</u>	Proposed Summons. (Cagle, Matthew) (Filed on 1/17/2019) (Entered: 01/17/2019)
01/17/2019	<u>3</u>	CERTIFICATE OF SERVICE filed by American Civil Liberties Foundation of Northern California, American Civil Liberties Union Foundation of <i>Certification of Interested Entities or Persons</i> (Cagle, Matthew) (Filed on 1/17/2019) (Entered: 01/17/2019)
01/17/2019	<u>4</u>	MOTION for Leave to Appear in Pro Hac Vice, (Filing Fee: \$310.00, receipt number 0971-13010990) (Filing Fee Previously Paid on 1/17/2019) filed by American Civil Liberties Foundation of Northern California, American Civil Liberties Union Foundation. (Handeyside, Hugh) (Filed on 1/17/2019) (Entered: 01/17/2019)
01/17/2019	<u>5</u>	Case assigned to Magistrate Judge Sallie Kim. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 1/31/2019. (srnS, COURT STAFF) (Filed on 1/17/2019) (Entered: 01/17/2019)
01/18/2019	<u>6</u>	ORDER by Magistrate Judge Sallie Kim granting <u>4</u> Motion for Pro Hac Vice. (sklc2S, COURT STAFF) (Filed on 1/18/2019) (Entered: 01/18/2019)
01/18/2019	<u>7</u>	Initial Case Management Scheduling Order with ADR Deadlines: Joint Case Management Statement due by 4/15/2019. Initial Case Management Conference set for 4/22/2019 at 1:30 PM in San Francisco, Courtroom C, 15th Floor. (tnS, COURT STAFF) (Filed on 1/18/2019) (Entered: 01/18/2019)
01/18/2019	<u>8</u>	Summons Issued as to Defendants Department of Homeland Security, Department of Justice, Department of State, Federal Bureau of Investigation, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection & U.S. Immigration and Customs Enforcement. (tnS, COURT STAFF) (Filed on 1/18/2019) (Entered: 01/18/2019)
01/30/2019	<u>9</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by American Civil Liberties Foundation of Northern California, American Civil Liberties Union Foundation.. (Handeyside, Hugh) (Filed on 1/30/2019) (Entered: 01/30/2019)
01/31/2019	<u>10</u>	SUMMONS Returned Executed (FOIA) by American Civil Liberties Foundation of Northern California, American Civil Liberties Union Foundation. Department of

		Homeland Security served on 1/23/2019, answer due 2/22/2019; Department of Justice served on 1/23/2019, answer due 2/22/2019; Department of State served on 1/23/2019, answer due 2/22/2019; Federal Bureau of Investigation served on 1/23/2019, answer due 2/22/2019; U.S. Citizenship and Immigration Services served on 1/23/2019, answer due 2/22/2019; U.S. Customs and Border Protection served on 1/23/2019, answer due 2/22/2019; U.S. Immigration and Customs Enforcement served on 1/23/2019, answer due 2/22/2019. (Handeyside, Hugh) (Filed on 1/31/2019) (Entered: 01/31/2019)
02/20/2019	<u>11</u>	NOTICE of Appearance by Elizabeth Tulis (Tulis, Elizabeth) (Filed on 2/20/2019) (Entered: 02/20/2019)
02/20/2019	<u>12</u>	STIPULATION to Extend Defendants' Time to Respond to the Complaint filed by Department of Homeland Security, Department of Justice, Department of State, Federal Bureau of Investigation, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection. (Tulis, Elizabeth) (Filed on 2/20/2019) (Entered: 02/20/2019)
02/22/2019	<u>13</u>	CLERK'S NOTICE Re: Consent or Declination: Defendants shall file a consent or declination to proceed before a magistrate judge by 3/8/2019. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: http://cand.uscourts.gov/civilforms . (mkls, COURT STAFF) (Filed on 2/22/2019) (Entered: 02/22/2019)
03/08/2019	<u>14</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Department of Homeland Security, Department of Justice, Department of State, Federal Bureau of Investigation, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement.. (Tulis, Elizabeth) (Filed on 3/8/2019) (Entered: 03/08/2019)
03/11/2019	15	CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned. ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED. <i>This is a text only docket entry; there is no document associated with this notice.</i> (mkls, COURT STAFF) (Filed on 3/11/2019) (Entered: 03/11/2019)
03/12/2019	<u>16</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Edward M. Chen for all further proceedings. Magistrate Judge Sallie Kim no longer assigned to the case. This case is assigned to a judge who participates in the Cameras in the Courtroom Pilot Project. See General Order 65 and http://cand.uscourts.gov/cameras . Signed by the Clerk on 3/12/19. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(srnS, COURT STAFF) (Filed on 3/12/2019) (Entered: 03/12/2019)
03/13/2019	<u>17</u>	CASE MANAGEMENT ORDER IN REASSIGNED CASE: Initial Case Management Conference set for 5/2/2019 09:30 AM in San Francisco, Courtroom 05, 17th Floor. Joint Case Management Statement due by 4/25/2019. Signed by Judge Edward M. Chen on 3/13/2019. (afmS, COURT STAFF) (Filed on 3/13/2019) (Entered: 03/13/2019)
03/25/2019	<u>18</u>	ANSWER to Complaint by Department of Homeland Security, Department of State, Federal Bureau of Investigation, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, U.S. Department of Justice, U.S. Immigration and Customs Enforcement. (Tulis, Elizabeth) (Filed on 3/25/2019) (Entered: 03/25/2019)
04/25/2019	<u>19</u>	JOINT CASE MANAGEMENT STATEMENT filed by American Civil Liberties Foundation of Northern California, American Civil Liberties Union Foundation.

		(Handeyside, Hugh) (Filed on 4/25/2019) (Entered: 04/25/2019)
05/02/2019	<u>20</u>	<p>Minute Entry for proceedings held before Judge Edward M. Chen:</p> <p>Initial Case Management Conference held on 5/2/2019. Joint Case Management Statement due by 6/5/2019. Further Case Management Conference set for 6/12/2019 10:30 AM in San Francisco, Courtroom 05, 17th Floor. See pdf image for further details.</p> <p>Total Time in Court: 5 Minutes. Court Reporter: Not Reported.</p> <p>Plaintiff Attorneys: High Handeyside, Matt Cagle. Defendant Attorney: Elizabeth Tulis.</p> <p>Attachment: Minute Order. (afmS, COURT STAFF) (Date Filed: 5/2/2019) (Entered: 05/03/2019)</p>
06/05/2019	<u>21</u>	JOINT CASE MANAGEMENT STATEMENT filed by American Civil Liberties Foundation of Northern California, American Civil Liberties Union Foundation. (Cagle, Matthew) (Filed on 6/5/2019) (Entered: 06/05/2019)
06/12/2019	<u>22</u>	<p>Minute Entry for proceedings held before Judge Edward M. Chen:</p> <p>Further Case Management Conference held on 6/12/2019. Joint letter to the Court due 6/14/2019. See pdf image for further details. Further Status Conference set for 9/5/2019 10:30 AM in San Francisco, Courtroom 05, 17th Floor before Judge Edward M. Chen. Joint Status Report due by 8/29/2019.</p> <p>Total Time in Court: 26 Minutes. Court Reporter: Not Reported.</p> <p>Plaintiff Attorney: Matt Cagle. Defendant Attorney: Elizabeth Tulis.</p> <p>Attachment: Minute Order. (afmS, COURT STAFF) (Date Filed: 6/12/2019) (Entered: 06/13/2019)</p>
06/14/2019	<u>23</u>	AMENDED MINUTES to <u>22</u> Minutes re: Further Case Management Conference. (afmS, COURT STAFF) (Filed on 6/14/2019) (Entered: 06/14/2019)
06/14/2019	<u>24</u>	Letter from Elizabeth Tulis <i>re: Issue Raised at June 12, 2019, Status Conference.</i> (Tulis, Elizabeth) (Filed on 6/14/2019) (Entered: 06/14/2019)
06/21/2019	<u>25</u>	STATUS REPORT <i>Joint Status Report</i> by Department of Homeland Security, Department of State, Federal Bureau of Investigation, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, U.S. Department of Justice, U.S. Immigration and Customs Enforcement. (Tulis, Elizabeth) (Filed on 6/21/2019) (Entered: 06/21/2019)
07/03/2019	<u>26</u>	ORDER Re Partial Summary Judgment Briefing. Signed by Judge Edward M. Chen on 7/3/2019. (emcsec, COURT STAFF) (Filed on 7/3/2019) (Entered: 07/03/2019)
07/11/2019	<u>27</u>	STIPULATION WITH PROPOSED ORDER re <u>26</u> Order on <i>Partial Summary Judgment Briefing</i> filed by American Civil Liberties Foundation of Northern California, American Civil Liberties Union Foundation. (Handeyside, Hugh) (Filed on 7/11/2019) (Entered: 07/11/2019)
07/11/2019	<u>28</u>	Order by Judge Edward M. Chen granting <u>27</u> Stipulation Setting Briefing Schedule on Motion for Partial Summary Judgment. Motion for Partial Summary Judgment to be filed by 9/6/2019; opposition due 9/20/2019; reply due 9/27/2019; hearing to be set 10/17/2019 at 1:30 p.m.(afmS, COURT STAFF) (Filed on 7/11/2019) (Entered: 07/11/2019)
07/11/2019		Set/Reset Deadlines as to Responses due by 9/20/2019. Replies due by 9/27/2019. Motion Hearing set for 10/17/2019 01:30 PM in San Francisco, Courtroom 05, 17th

		Floor before Judge Edward M. Chen. (afmS, COURT STAFF) (Filed on 7/11/2019) (Entered: 07/11/2019)
08/29/2019	<u>29</u>	JOINT STATUS REPORT by Department of Homeland Security, Department of State, Federal Bureau of Investigation, U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, U.S. Department of Justice. (Tulis, Elizabeth) (Filed on 8/29/2019) Modified on 8/30/2019 (slhS, COURT STAFF). (Entered: 08/29/2019)
09/04/2019	<u>30</u>	NOTICE of Appearance by Amy Powell (Powell, Amy) (Filed on 9/4/2019) (Entered: 09/04/2019)
09/05/2019	<u>32</u>	Minute Entry for proceedings held before Judge Edward M. Chen: Status Conference held on 9/5/2019. Joint Status Report due by 1/9/2020. Further Status Conference set for 1/16/2020 10:30 AM in San Francisco, Courtroom 05, 17th Floor before Judge Edward M. Chen. See pdf image for further details. Total Time in Court: 14 Minutes. Court Reporter: Not Reported. Plaintiff Attorney: Matthew Cagle. Defendant Attorney: Elizabeth Tulis. Attachment: Minute Order. (afmS, COURT STAFF) (Date Filed: 9/5/2019) (Entered: 09/06/2019)
09/06/2019	<u>31</u>	NOTICE AND MOTION for Partial Summary Judgment filed by Federal Bureau of Investigation. Motion Hearing set for 10/17/2019 01:30 PM in San Francisco, Courtroom 05, 17th Floor before Judge Edward M. Chen. Responses due by 9/20/2019. Replies due by 9/27/2019. (Attachments: # <u>1</u> Declaration of Michael G. Seidel, with exhibits, # <u>2</u> Proposed Order)(Powell, Amy) (Filed on 9/6/2019) (Entered: 09/06/2019)
09/20/2019	<u>33</u>	OPPOSITION/RESPONSE (re <u>31</u> MOTION for Partial Summary Judgment) <i>Plaintiffs Opposition To Defendants Motion For Partial Summary Judgement</i> filed by American Civil Liberties Foundation of Northern California, American Civil Liberties Union Foundation. (Handeyside, Hugh) (Filed on 9/20/2019) (Entered: 09/20/2019)
09/20/2019	<u>34</u>	Declaration of Hugh E. Handeyside in Support of <u>33</u> Opposition/Response to Motion, filed by American Civil Liberties Foundation of Northern California, American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P)(Related document(s) <u>33</u>) (Handeyside, Hugh) (Filed on 9/20/2019) (Entered: 09/20/2019)
09/24/2019	35	CLERK'S NOTICE: Motion Hearing as to <u>31</u> MOTION for Partial Summary Judgment set for 10/17/2019 is vacated and rescheduled to be heard 10/24/2019 01:30 PM in San Francisco, Courtroom 05, 17th Floor before Judge Edward M. Chen. Briefing remains unchanged. (This is a text-only entry generated by the court. There is no document associated with this entry.) (afmS, COURT STAFF) (Filed on 9/24/2019) (Entered: 09/24/2019)
09/27/2019	<u>36</u>	REPLY in Further Support (re <u>31</u> MOTION for Partial Summary Judgment) filed by Federal Bureau of Investigation, U.S. Department of Justice. (Tulis, Elizabeth) (Filed on 9/27/2019) Modified on 9/30/2019 (slhS, COURT STAFF). (Entered: 09/27/2019)
10/02/2019	37	CLERK'S NOTICE: Due to unavailability of the Court, Motion Hearing re: <u>31</u> MOTION for Partial Summary Judgment set for 10/24/2019 is vacated and specially reset for 10/23/2019 10:00 AM in San Francisco, Courtroom 05, 17th Floor before Judge Edward M. Chen. (This is a text-only entry generated by the court. There is no document associated with this entry.) (afmS, COURT STAFF) (Filed on 10/2/2019) (Entered: 10/02/2019)

10/23/2019	<u>38</u>	<p>Minute Entry for proceedings held before Judge Edward M. Chen:</p> <p>Motion Hearing held on 10/23/2019; taking under submission <u>31</u> Motion for Partial Summary Judgment.</p> <p>Total Time in Court: 36 Minutes. Court Reporter: Ruth Ekhaus.</p> <p>Plaintiff Attorneys: Matthew Cagle, Hugh Handeyside. Defendant Attorney: Elizabeth Tulis.</p> <p>Attachment: Minute Order. (afmS, COURT STAFF) (Date Filed: 10/23/2019) (Entered: 10/24/2019)</p>
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